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EXAMINER	
ZHANG, SHIRLEY X	

ART UNIT	PAPER NUMBER
2144	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/796,395	SEO, JONG-WON	
	Examiner	Art Unit	
	SHIRLEY X. ZHANG	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 March 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This second non-final office action is responsive to applicant's reply filed on March 18, 2008 for the U.S. patent application no. 10/796,395 filed on March 9, 2004.

Claims 1-18 are pending;

Claims 1-18 are rejected.

Response to Amendment

1. Applicant's reply filed on March 18, 2008 under 37 CFR 1.131 is sufficient to overcome the primary reference, U.S. Patent publication No. 2004/0186918 to Lonnfors et al., that was cited by the examiner in the first non-final office action. Therefore, this action is made non-final.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy was filed with the U.S. application on March 9, 2004. An English translation of the foreign application was received on March 18, 2008.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 13-18** are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. patent application publication no. 2001/0028654 to Anjum et al. (hereinafter "**Anjum**").

Regarding claim 13, Anjum discloses a method of starting an application program of a mobile terminal having a data terminating function, the method comprising the steps of:

receiving a call establishment request for data termination (Fig. 7 and [0036-0037] disclose that the called party 72 receives a SIP INVITE message from caller 70);

establishing a data call according to the call establishment request (It is inherent in SIP that the SIP Invite triggers the establishment of a data call); and

automatically starting an application program corresponding to the type of service specified by the call establishment request ([0038] discloses that on the called party's side, if a terminal component is associated with the requested type, then the call can be immediately accepted and the component can be activated; here the terminal component is an application program).

Regarding claim 14, Anjum discloses a method of starting an application program of a mobile terminal as claimed in claim 13, wherein establishment of the data call is performed when a data terminating function is selected by the mobile terminal ([0038] discloses that on the called party's side, if a terminal component is associated with the requested type, then the call can be immediately accepted and the component can be activated; here the terminal component is an application program).

Regarding claim 15, Anjum discloses a method of starting an application program of a mobile terminal as claimed in claim 14, further comprising a step of examining whether or not an application program corresponding to the type of service specified by the call establishment

request exists in a memory of the mobile terminal ([0035] discloses that A terminal component is implemented as a software component (e.g. a JavaBean) that is analogous to (or, depending upon the service, could in fact actually be) a Web applet. It is a common knowledge to one skilled in the art that a web applet exists in a memory of the terminal device).

Regarding claim 16, Anjum discloses a method of starting an application program of a mobile terminal as claimed in claim 15, wherein the call establishment request includes type of service information, type of transmission data information, service server access information, and service server access protocol information (Anjum, [0039] discloses using SIP as the call establishment protocol; In SIP, a traffic channel is established at the default port 5060 or a user requested port).

Regarding claim 17, Anjum discloses a method of starting an application program of a mobile terminal as claimed in claim 16, wherein the invoked application program attempts to access an application program starting server (Fig. 5 and [0034] disclose the terminal manager, which is an application program starting server).

Regarding claim 18, Anjum discloses a method of starting an application program of a mobile terminal as claimed in claim 16, further comprising the steps of: originating a service denial message when no appropriate application program corresponding to the call establishment request exists in the memory of the mobile terminal; and ending the call connection (Fig. 7 and [0039] discloses the "415: Unsupported Media" message sent by the called party to indicate the absence of a resource corresponding to the media, which ends the call).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claims 1-3, 5-8 and 12** are rejected under 35 U.S.C. 103(a) as being obvious over U.S. patent application publication no. 2001/0028654 to Anjum et al. (hereinafter "**Anjum**"), in view

of IETF RFC 2543, "Session Initiation Protocol (SIP)" (hereinafter "RFC-2543-SIP") and IETF RFC 2976, "The SIP INFO Method" (hereinafter "RFC-2976-SIPINFO").

Regarding claim 1, Anjum discloses a method of starting an application program of a mobile terminal ([0015] discloses that a user terminal may be a wireless handset) having a data terminating function, the method comprising the steps of:

receiving a call establishment request for data termination (Fig. 7 and [0036-0037] disclose that the called party 72 receives a SIP INVITE message from caller 70);

establishing a data call according to the call establishment request (It is inherent in SIP that the SIP Invite triggers the establishment of a data call);

determining the type of service specified by an application program starting message ([0038] discloses that services are represented by media types such as media/whiteboard, which are specified by the caller) and

automatically starting an application program corresponding to the determined type of service ([0038] discloses that on the called party's side, if a terminal component is associated with the requested type, then the call can be immediately accepted and the component can be activated; here the terminal component is an application program).

Anjum does not explicitly disclose whether the application program starting message is received after the call is established;

However, RFC-2976-SIPINFO discloses using SIP INFO method to carry session related control information that is generated during a session (RFC-2976-SIPINFO, "Abstract").

Therefore, it would have been obvious for one of ordinary skill in the art to implement Anjum's invention in such a way that the media type information is exchanged after a call is established. One would have been motivated to combine as such by Anjum's disclosure in [0040] of the need to exchange data of a new media type during a session, i.e. after a call has been set up.

Regarding claim 2, the combination of Anjum, RFC-2543-SIP and RFC-2976-SIPINFO discloses a method of starting an application program of a mobile terminal as claimed in claim 1.

Anjum further discloses that the establishment of the data call is performed when a data terminating function is selected ([0038] discloses that on the called party's side, if a terminal component is associated with the requested type, then the call can be immediately accepted and the component can be activated).

Regarding claim 3, the combination of Anjum, RFC-2543-SIP and RFC-2976-SIPINFO discloses a method of starting an application program of a mobile terminal as claimed in claim 1.

Anjum further discloses that the method comprises a step of determining whether or not an appropriate application program corresponding to the type of service specified by the application program starting message exists in a memory of the mobile terminal ([0035] discloses that A terminal component is implemented as a software component (e.g. a JavaBean) that is analogous to (or, depending upon the service, could in fact actually be) a Web applet. It is a common knowledge to one skilled in the art that a web applet exists in a memory of the terminal device).

Regarding claim 5, the combination of Anjum, RFC-2543-SIP and RFC-2976-SIPINFO discloses a method of starting an application program of a mobile terminal as claimed in claim 1.

Anjum further discloses that the application program starting message is received through a traffic channel formed in response to establishment of the data call (Anjum, [0039] discloses using SIP as the call establishment protocol; In SIP, a traffic channel is established at the default port 5060 or a user requested port).

Regarding claim 6, the combination of Anjum, RFC-2543-SIP and RFC-2976-SIPINFO discloses a method of starting an application program of a mobile terminal as claimed in claim 5.

Anjum further discloses that the invoked application program attempts to access an application program starting server (Fig. 5 and [0034] disclose the terminal manager, which is an application program starting server).

Regarding claim 7, the combination of Anjum, RFC-2543-SIP and RFC-2976-SIPINFO discloses a method of starting an application program of a mobile terminal as claimed in claim 3.

Anjum further discloses that the method comprises the steps of: originating an absence message when no appropriate application program corresponding to the application program starting message exists in the memory of the mobile terminal; and ending a call connection (Fig. 7 and [0039] discloses the "415: Unsupported Media" message sent by the called party to indicate the absence of a resource corresponding to the media).

Regarding claim 8, Anjum discloses a method of providing service data to a mobile terminal ([0015] discloses that a user terminal may be a wireless handset) in a mobile

communication system, the mobile terminal having a data terminating function, the method comprising the steps of:

receiving a request for data transmission to the mobile terminal from at least one service server; generating an application program starting message for running one of at least one application program stored in the mobile terminal on the basis of the type of service data to be provided from the service server; transmitting a call establishment signal requesting data termination to the mobile terminal, wherein the call establishment signal allows transmission of the generated application program starting message to the mobile terminal; transmitting the application program starting message to the mobile terminal through a traffic channel (Fig. 7 and [0036-0037] disclose that the called party 72 receives a SIP INVITE message from caller 70; The SIP Invite message contains information about the media type, i.e., the type of service requested); and

receiving service data of the service server at the mobile terminal by connecting the mobile terminal to the service server (Figs. 1 and 4 disclose the user terminal is connected and receives data from service provide 46; [0012] further discloses that the user terminal receives services from one or more service providers).

Anjum does not explicitly disclose whether the traffic channel is formed upon the selection of data termination at the mobile terminal.

However, RFC-2976-SIPINFO discloses using SIP INFO method to carry session related control information that is generated during a session (RFC-2976-SIPINFO, "Abstract").

Therefore, it would have been obvious for one of ordinary skill in the art to implement Anjum's invention in such a way that a traffic channel is formed after selection of data

termination at the mobile terminal. One would have been motivated to combine as such by Anjum's disclosure in [0040] of the need to exchange data of a new media type during a session, i.e. after a call has been set up.

Regarding claim 12, the combination of Anjum, RFC-2543-SIP and RFC-2976-SIPINFO discloses a method of providing service data in a mobile communication system as claimed in claim 8.

Anjum further discloses that the method comprises the steps of: receiving an absence signal from the mobile terminal, indicating that no appropriate application program corresponding to the type of service specified by the application program starting message exists in a memory of the mobile terminal; and transmitting a download request message to the mobile terminal, requesting that the mobile terminal download an appropriate application program (Fig. 7 and [0039] discloses the "415: Unsupported Media" message sent by the called party to indicate the absence of a resource corresponding to the media, to which message the caller replies with an INVITE containing the URL of the service provider).

5. **Claim 4** is rejected under 35 U.S.C. 103(a) as being obvious over Anjum, RFC-2543-SIP and RFC-2976-SIPINFO as applied to claim 1 above, in view of IETF RFC 1630, "Universal Resource Identifier in WWW", (hereinafter "RFC-1630-URI"), and IETF RFC 2406, "Multipurpose Internet Mail Extension Part Two: Media Types" (hereinafter "RFC-2406-MIME).

Regarding claim 4, the combination of Anjum, RFC-2543-SIP and RFC-2976-SIPINFO discloses a method of starting an application program of a mobile terminal as claimed in claim 3. Anjum further discloses that the application program starting message includes:

a header for determining whether or not a received message is an application program starting message (Fig.7 and [0039] discloses using SIP INVITE as the starting message; SIP INVITE inherently has a header field carrying the value "INVITE" to indicate the message type);

type of service information ([0038] discloses that MIME type is use to indicate types of media/services);

type of transmission data information (the MIME type disclosed in [0038] can also used to indicate the type of transmission data as MIME offers great flexibility in the communication of media type and service between network entities, see RFC-2406-MIME for more information);

service server access information and service server access protocol information ([0039] and [0043] disclose that the caller uses SIP to suggest to the called party the service provider's URLs. The <scheme> field in a URL contains the service server access protocol information; see RFC-1630-URI for more information);

Although Anjum does not explicitly disclose that all the fields listed above are contained in one message, it would have been obvious for one skilled in the art to include in the starting message all the listed fields if such a need arises during the implementation as SIP is a text-based HTTP protocol that can optionally include a Session Definition Protocol (SDP) body (Anjum, [0043]), which is designed to allow one skilled in the art the add session related information such as that recited in the claim.

6. **Claims 9-11** are rejected under 35 U.S.C. 103(a) as being obvious over Anjum, RFC-2543-SIP and RFC-2976-SIPINFO as applied to claim 8 above, in view of U.S. Patent No. 7,076,244 to Lazaridis et al. (hereinafter "Lazaridis").

Regarding claim 9, the combination of Anjum, RFC-2543-SIP and RFC-2976-SIPINFO discloses a method of providing service data in a mobile communication system as claimed in claim 8.

Anjum does not explicitly disclose that the service server includes a stock server in which stock data are stored.

However, in the same field of endeavor, Lazaridis discloses in column 2, lines 34-41 the content server 10a that provides information such as stock prices, i.e., a stock server.

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine Lonnfors and Lazaridis so that the service server includes a stock server in which stock data are stored.

One skilled in the art would have been motivated to combine as such by Anjum's disclosure in [0013] of the need for a method and system that enable a telecommunications subscriber during an established call or during the establishment of that call to obtain additional services or functions from possible multiple suppliers, and the additional disclosure in [0040-0041] of using the system to exchange business contact data during a session as an example. Meanwhile, Lazaridis discloses a service provider's system for pushing information to a mobile device; therefore, one skilled in the art would have been able to use Lazaridis's content servers as an instance of Anjum's service provider with reasonable expectation of success.

Regarding claim 10, the combination of Anjum, RFC-2543-SIP and RFC-2976-SIPINFO discloses a method of providing service data in a mobile communication system as claimed in claim 8.

Anjum does not explicitly disclose that the service server includes an advertisement server in which advertisement data are stored.

However, Lazaridis discloses the in Fig. 1 an advertising servers 10b as the content server that provides ad information to mobile devices.

Regarding the combination of Anjum and Lazaridis, Examiner provides the same rationale as that provided in the rejection of claim 9.

Regarding claim 11, the combination of Anjum, RFC-2543-SIP and RFC-2976-SIPINFO discloses a method of providing service data in a mobile communication system as claimed in claim 8.

Anjum does not explicitly disclose that the service server includes a messenger server for providing an instant message service.

However, Lazaridis discloses in column 2, lines 34-41 that the content server 10a in Fig.1 provides information such as instant messaging information, which impels that the content server can be a messenger server.

Regarding the combination of Anjum and Lazaridis, Examiner provides the same rationale as that provided in the rejection of claim 9.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 7233979 B2 Dickerman; Howard J. et al. Instant messaging session invite for arranging peer-to-peer communication between applications;

US 20040186918 A1 Lonnfors, Mikko Aleksi et al. Method and apparatus for dispatching incoming data in a multi-application terminal;

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHIRLEY X. ZHANG whose telephone number is (571)270-5012. The examiner can normally be reached on Monday through Friday 7:30am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. X. Z./
Examiner, Art Unit 2144
05/13/2008
/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2144